

WASHINGTON, D.C. - The U.S. Commission on International Religious Freedom (USCIRF) today (Nov. 16) questioned the legitimacy of the Kazakh chairmanship of the 56-nation Organization on Security and Cooperation in Europe (OSCE) in 2010, due to Kazakhstan's poor human rights record.

"Due to recent and troubling developments, USCIRF questions how Kazakhstan's human rights record is consistent with its upcoming OSCE chairmanship, particularly since human rights are such a key element of the Organization," said Leonard Leo, USCIRF chair. "Indeed, while Kazakhstan tomorrow (Nov. 17) hosts a high-profile event in the U.S. Congress to highlight its official human rights action plan, the Kazakh government continues to imprison a key drafter of that very plan, Evgeny Zhovtis."

Mr. Zhovtis is a leading human rights defender and is the director of the Kazakhstan International Bureau for Human Rights and the Rule of Law. Mr. Zhovtis was involved in a car accident in July that resulted in the tragic accidental death of a pedestrian. The resulting case against Zhovtis was marred by legal irregularities. For example, officials delayed two weeks in notifying Zhovtis that he was an official suspect, thereby depriving him of certain legal rights. Zhovtis was transferred in late October to a labor colony about 750 miles from his native city of Almaty.

In an Aug. 28 private letter to Kazakh Ambassador Erlan Idrissov, USCIRF asked for a response to the allegations of legal irregularities in the Zhovtis case. The only response was Mr. Zhovtis' manslaughter conviction on Sept. 3. Kazakh authorities also did not respond to dozens of protests from fellow human rights activists, numerous foreign governments and international organizations, including the Organization on Security and Cooperation in Europe (OSCE) where Mr. Zhovtis is a member of its Panel of Experts on Freedom of Assembly.

"The Almaty Oblast Court upheld Mr. Zhovtis' conviction on Oct. 19, and Mr. Zhovtis, his supporters and journalists were not even allowed in the courtroom," Leo said. "Kazakh authorities should unconditionally pardon Mr. Zhovtis in light of the mishandling of this case. To leave him in jail calls into question the legitimacy of Kazakhstan's OSCE chairmanship in 2010. Until Kazakhstan takes concrete steps to improve its human rights record, including in regard to freedom of religion or belief, the Commission urges the State Department to deny consensus to Kazakhstan's request to hold an OSCE security summit in 2010."

In a separate development, the Kazakh parliament is considering amendments to its Administrative Code. The draft leaves almost unchanged two articles which violate Kazakhstan's international commitments on freedom of religion: Article 374-1 penalizes leading, participating in or financing an unregistered religious community or social organization. Article 375 punishes "violating the law on religion", including by unregistered leaders, by communities whose activity is not listed in state-approved statutes, and by individuals who conduct unlicensed "missionary activity."

"USCIRF also calls on the Kazakh government to submit the two relevant articles of the draft Administrative Code to the OSCE Panel of Experts on Freedom of Religion or Belief and to revise that code in accordance with the Panel's recommendations," said Leo. "The Kazakh government should likewise halt its harassment of members of religious communities under these two punitive articles of that code."

Acting on the basis of these two articles of the current Administrative Code, the Kazakh authorities continue to target religious communities that as a matter of principle refuse to apply for state registration, particularly the Council of Churches Baptists. Their leaders have repeatedly been fined for leading unregistered religious worship and their congregations have repeatedly been banned, often for six month periods, according to Forum 18. Registered Ahmadi communities have also been subject to various penalties under the current Administrative Code. Moreover, the Kazakh parliamentary schedule has set late 2011 for consideration of new religion and NGO laws – after the country is slated to chair the OSCE in 2010.

USCIRF is an independent, bipartisan U.S. federal government commission. USCIRF Commissioners are appointed by the President and the leadership of both political parties in the Senate and the House of Representatives. USCIRF's principal responsibilities are to review the facts and circumstances of violations of religious freedom internationally and to make policy recommendations to the President, the Secretary of State and Congress.

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